IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6920 OF 2006

Shri Pandharinath A. Komkar ...Petitioner

v/s

Shri Shrirang Balasaheb Paigude and others ...Respondents

Mr S.R. Page for Petitioner.

Mr V.S. Gokhale for Respondent Nos.1 to 5.

CORAM : D.K. DESHMUKH J.

DATE : 6TH JULY 2007.

P.C. :-

1. The present petitioner has filed an appeal against an order of eviction passed against him by the Trial Court. He applied for stay of that order. The Appeal Court granted the stay on two conditions viz. (1) he should deposit the amount of cost within one month and (2) deposit the arrears of rent. The petitioner did neither. He made an application on 9th October 202 only for extension of time to deposit cost. Though admittedly the amount of arrears of rent was also not deposited, no application was made for extension of time to deposit the arrears of rent. The appeal Court has rejected the appeal. No fault can be found with the order of the Appeal Court because without making an application for extension of time to deposit the arrears of rent, no useful purpose will be served by permitting extension of time to deposit the cost only. The conduct of the petitioner shows that the petitioner was absolutely negligent in prosecuting the proceedings. Considering the application that was rejected, this petition should not have been filed, it is absolutely frivolous. Petition is therefore rejected. The petitioner is also directed to pay cost of this petition to the respondents. Cost is quantified at Rs.5,000/-.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Private Secretary as true copy.

. Certified copy expedited.